

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 August 2025

DOCKET NUMBER: AR20240013189

APPLICANT REQUESTS: correction of her NGB Form 22 (Report of Separation and Record of Service) for the period ending 31 October 1996 by upgrading her under honorable conditions (general) discharge to honorable.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Letter
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- NGB Form 22 (Report of Separation and Record of Service)
- General Discharge Certificate

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states in pertinent part:

- She enlisted in the Texas Army National Guard (ARNG) in 1995
- She was proud to be enlisted and had plans to reenlist and retire from the military
- She received an under honorable conditions (general) discharge
- She married another Soldier and had an infant son
- She found out her husband was having an affair
- She was devastated and fell into a depression and missed several months of weekend drills
- She did end up completing her enlistment and volunteered to go to Germany
- She and her husband divorced
- She attained a license in cosmetology and as a dental assistant
- She currently works for American Airlines
- Her current discharge status is hindering her progress of excelling further in life

3. The applicant provides and her service record shows:

- She was on active duty as a member of the ARNG from 4 July 1995 through 2 December 1995 and was honorably released to her ARNG unit
- She was a member of the ARNG from 18 January 1995 through 31 October 1996; she was discharged for unsatisfactory participation and given an under honorable conditions (general) discharge
- On 16 March 1997, she enlisted in the ARNG
- On 15 March 2000, she was honorably transferred to U.S. Army Reserve (USAR) Control Group (Reinforcement) from the ARNG for expiration term of service
- On 18 March 2003, she was honorably discharged from the USAR

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement and record of service, and the reason for separation. The applicant provided a statement in which she stated she was absent from her unit due to personal reasons which affected her mentally. She was deemed an unsatisfactory participant and released from the ARNG. The Board was convinced by the compelling evidence submitted by the applicant of her sustained honorable conduct and personal growth since discharge, including over 5 years of service in the airline industry, demonstrating long-term commitment, stability, and strong family values. Therefore, the Board determined her NGB Form 22 ending on 31 October 1996 should be amended to reflect an honorable characterization of service.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

XXX	XXX	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Army National Guard records of the individual concerned be corrected by amending the applicant's NGB Form 22 ending on 31 October 1996 to show an honorable characterization of service.

X //SIGNED//

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 635-200 (Personnel Separations-Enlisted Personnel), in effect at the time, set forth the basic authority for the separation of enlisted personnel. It states, notwithstanding the notification provisions of Army Regulation 135-178 (ARNG and Army Reserve Separation of Enlisted Personnel), Soldiers who are unsatisfactory participants to be discharged from the State ARNG only, will be given 15 days from the date found on the official mail return receipt, or the date they acknowledged receipt if hand delivered, to respond to notification of initiation of discharge actions.

3. Army Regulation 135-178, in effect at the time, states when the reason for separation requires the Notification Procedure, the commander will notify the Soldier in writing that his separation has been recommended. The commander will cite specific allegations on which the proposed action is based and the specific provisions of the regulation authorizing separation. The Soldier would be advised of the least favorable characterization of service he could receive. He would be advised of the following rights:

- to consult with counsel
- to submit matters on his own behalf
- to obtain copies of document that would be sent to the separation authority
- to present his case before an administrative separation board if he had more than 6 years of service
- to waive his rights

4. Army Regulation 135-91 (Service Obligations, Methods of Fulfilment, Participation Requirements, and Enforcement Procedures) defines ARNGUS and USAR service obligations and prescribes policy and procedures governing the various types of service obligations and participation requirements. Chapter 4 governs absences and provides, in part, that:

a. The unit commander or acting commander is authorized to excuse absences. Any absence not authorized by the approving official is considered unexcused. A Soldier is an unsatisfactory participant when nine or more unexcused absences occur during a 1-year period. Unless the absence is authorized, a Soldier failing to attend a scheduled single or multiple unit training assembly (MUTA), will be charged with an unexcused absence. When the absence involves a MUTA, the charge will be for one

unexcused absence for each 4-hour period not attended, but not to exceed four unexcused absences.

b. Unit commanders will notify Soldiers with unexcused absence(s) by prescribing a letter of instructions-unexcused absence [U-Letters]. The first notification commences with the fourth unexcused absence and each succeeding unexcused absence up to, and including the ninth absence in a 12-month period.

c. Delivery of the letter will be either in person or by U.S. mail. If mail is used in lieu of deliver in person, the first notification will be sent by certified mail, return receipt requested and the remaining notification(s) will be sent by first class mail. The notice will be mailed during or immediately following the unit training assembly (UTA) or multiple unit training assemblies (MUTA) from which absent. Whether notices required are delivered in person or sent by U.S. mail, a copy of each notice, and the following will be place in the soldiers personnel file.

(1) When the notices are personally delivered, the Soldier's signature will be obtained on the file copy as acknowledgment of receipt.

(2) When certified mail is used, a copy of the notice and either a post office receipt confirming delivery or the returned unopened envelope showing the notice was not delivered. Mail refused, unclaimed, or otherwise not delivered may not be used as a defense against unexcused absences when the notices were correctly addressed.

(3) When first class mail is used, a copy of the notice and the envelope showing the notice was sent to the soldier's most recent mailing address. Also, the individual mailing the notice will prepare an "affidavit of service by mail." Mail refused, unclaimed, or otherwise not delivered may not be used as a defense against unexcused absences when the notices were correctly addressed; and

(4) The commander's statement showing his or her decision as to whether the reason which prevented the soldier from attending training assembly which resulted in a declaration of unsatisfactory participation was valid or any emergency. The facts or circumstances on which the decision is based will be included in the statement.

d. When it has been determined that an ARNGUS or USAR enlisted soldier is an unsatisfactory participant, the immediate commander will initiate proceedings that result in the reassignment, transfer, or separation of the unsatisfactory participant as prescribed.

5. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records (BCM/NRs) regarding equity, injustice, or clemency

determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, BCM/NRs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//